

Report Date: September 23, 2008

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

SEP 25 2008

**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**

Name of Offender: Richard D. Schmidt

Case Number: 2:98CR00163-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Court Judge

Date of Original Sentence: 01/08/1999

Type of Supervision: Supervised Release

Original Offense: Bank Robbery, 18 U.S.C. § 2113(a) Date Supervision Commenced: 09/19/2008

Original Sentence: Prison - 130 months;
TSR - 36 months

Date Supervision Expires: 09/18/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 14 You shall submit your person, residence, office, or vehicle to a search, conducted by a U.S. probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You shall warn persons with whom you share a residence that the premises may be subject to search.
- 15 You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.
- 16 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

On January 8, 1999, Mr. Schmidt was sentenced by Your Honor to 130 months custody to be followed by 3 years of supervised release. As a special condition of supervised release, Your Honor ordered Mr. Schmidt to "submit to drug testing and/or treatment and to random, warrantless searches of his person and/or property as directed by the United States Probation Office."

Prob 12B

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The above modifications are respectfully requested in order to more clearly define the parameters of the Court's intention. Also, to comply with United States v. Stephens 424 F.3d 876 (9th Cir.205), Mr. Schmidt has voluntarily signed a waiver of hearing after being advised of his right to a hearing and assistance of counsel.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

9/23/08
A - 17
Samuel Najera
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

September 25, 2008
Date